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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/064,944	08/30/2002	Dante Monteverde	33983/400100	3631

				EXAMINER

27717   7590   11/30/2005

SEYFARTH SHAW LLP
55 EAST MONROE STREET
SUITE 4200
CHICAGO, IL 60603-5803

EXAMINER

NGUYEN, CINDY

ART UNIT	PAPER NUMBER
2161	

DATE MAILED: 11/30/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>03</u> MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *12 September 2005*.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
    closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1 and 3-16* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1, 3-16* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *11 October 2002* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

    1.☐ Certified copies of the priority documents have been received.

    2.☐ Certified copies of the priority documents have been received in Application No. _____.

    3.☐ Copies of the certified copies of the priority documents have been received in this National Stage
        application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____.

DETAILED ACTION

This is in response to amendments filed 09/12/05.

Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114, including the

fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection.

Since this application is eligible for continued examination under 37 CFR 1.114,

and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the

previous Office action has been withdrawn pursuant to 37 CFR 1.114.

Applicant's submission filed on 09/12/05 has been entered.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for

all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claim1, 3-16 are rejected under 35 U.S.C. 103(a) as being unpatentable

over Klein et al. (US 6704729) (Klein) in view of Fuks et al. (US 20030018649).

Regarding claims 1 and 14-16, Klein discloses: method of predicting the

search needs of a computerized database search user comprising the steps of:

providing a topical category database (page 6, paragraph 0066, Klein), said

topical category database containing a plurality of topical categories (404, fig. 4,

Klein);

relating each of said topical categories with other said topical categories

contained within said topical category database (fig. 1B and col. 3, lines 45-60,

Klein);

providing a document database, said document database having

document information for at least one document (col. 8, lines 34-55, Klein);

assigning each of said documents to at least one said topical category

(col. 8, lines 9-12, Klein);

providing an anticipated search term database, said anticipated search

term database having at least one anticipated search term (col. 3, lines 45-60,

Klein);

assigning each of said anticipated search terms in said anticipated search

term database to at least one said topical category thereby creating an

anticipated search term assignment (fig. 1B and col. 3, lines 62 to col. 4, lines 6,

Klein);

receiving at least one initial search term (col. 7, lines 64 to col. 8, lines 21,

Klein);

matching said initial search term with at least one said anticipated search

term contained within said anticipated search term database thereby creating a

matched search term (col. 8, lines 34-55, Klein);

However, Klein didn't discloses: associating said initial search term to any

topical categories related to said initial topical category thereby creating related

categories; associating said initial search term to all topical categories related to

said initial topical category thereby creating related categories. On the other

hand, Fuks discloses: associating said initial search term to any topical

categories related to said initial topical category thereby creating related

categories (paragraphs 0084, Fuks); associating said initial search term to all

topical categories related to said initial topical category thereby creating related

categories (fig. 4 and 0084, Fuks). Thus, at the time invention was made, it would

have been obvious to a person of ordinary skill in the art to include the step of

associating said initial search term to any topical categories related to said initial

topical category thereby creating related categories and associating said initial

search term to all topical categories related to said initial topical category thereby

creating related categories in the system of Klein as taught by Fuks. The

motivation being to enable the users used the method for search term to search

and the results documents are assigned to categories related to the search term

will be display to the user for view and retrieved.

In addition, Klein/Fuks discloses: automatically retrieving said document

information of said documents assigned to said related categories (paragraphs

0084, Fuks);

Displaying said retrieved document information (fig. 3 and 4 and

corresponding text, Fuks).

Regarding claim 3, all the limitations of this claim have been noted in the rejection of claim 1 above. In addition, Klein/Fuks discloses: where each said topical category is defined with a title and description (col. 8, lines 10-12, Klein).

Regarding claim 4, all the limitations of this claim have been noted in the rejection of claim 1 above. In addition, Klein/Fuks discloses: wherein the step of relating each of said topical categories with other said topical categories contained within said topical category database further comprises the step of relating each of said topical categories with other relevant topical categories (col. 8, lines 34-55, Klein).

Regarding claim 5, all the limitations of this claim have been noted in the rejection of claim 1 above. In addition, Klein/Fuks discloses: wherein the step of relating each of said topical categories with other said topical categories contained within said topical category database further comprises the step of relating each of said topical categories with other related topical categories (col. 8, lines 34-55, Klein).

Regarding claim 6, all the limitations of this claim have been noted in the rejection of claim 1 above. In addition, Klein/Fuks discloses: wherein the step of relating each of said topical categories with other said topical categories contained within said topical category database further comprises the step of relating each of said topical categories with other adjunct topical categories (col. 12, lines 55 to col. 13, lines 8, Klein).

Regarding claim 7, all the limitations of this claim have been noted in the rejection of claim 1 above. In addition, Klein/Fuks discloses: wherein the step of

assigning each of said documents to at least one said topical category further comprises the step of assigning each of said documents to a relevant topical category (col. 5, lines 15-33, Klein).

Regarding claim 8, all the limitations of this claim have been noted in the rejection of claim 1 above. In addition, Klein/Fuks discloses: wherein the step of assigning each of said anticipated search terms in said anticipated search term database to at least one said topical category thereby creating an anticipated search term assignment further comprises the step of assigning each of said anticipated search terms to a topical category based on said anticipated search term's definition (col. 7, lines 64 to col. 8, lines 21, Klein).

Regarding claim 9, all the limitations of this claim have been noted in the rejection of claim 1 above. In addition, Klein/Fuks discloses: wherein the step of associating said initial search term with the topical category assigned to said matched search term thereby creating an initial topical category further comprises the step of calculating the most popular initial topical category for said matched search term (col. 8, lines 56 to col. 9, lines 54, Klein).

Regarding claim 10, all the limitations of this claim have been noted in the rejection of claim 9 above. In addition, Klein/Fuks discloses: wherein the step of calculating the most popular initial topical category for said matched search term further comprises the step of calculating the number of times a topical category is selected by other searchers in association with each said initial search term used

(0076-0081, Fuks).   Thus, at the time invention was made, it would have been obvious to a person of ordinary skill in the art to include the step of calculating the most popular initial topical category for said matched search term further comprises the step of calculating the number of times a topical category is selected by other searchers in association with each said initial search term used in the system of Klein as taught by Fuks. The motivation being to enable the system provide the method to calculate category relevancy score in the context and document-category relevance scores are calculated using category profiles in the classification process, the category profile included word or words that also appear in the query, its relevancy score in the context is enhanced by predetermined factor as compared to the category whose profile does not include terms that appear in the query.

Regarding claim 11, all the limitations of this claim have been noted in the rejection of claim 9 above. In addition, Klein/Fuks discloses: further comprising the step of calculating the number of times said initial search term is repeated within the content of said document assigned to said topical category (col. 8, lines 56 to col. 9, lines 54, Klein).

Regarding claim 12, all the limitations of this claim have been noted in the rejection of claim 9 above. In addition, In addition, Klein/Fuks discloses: further comprising the step of subjectively determining said most popular initial topical category (col. 8, lines 56 to col. 9, lines 54, Klein).

Regarding claim 13, all the limitations of this claim have been noted in the rejection of claim 1 above. In addition, Klein/Fuks discloses: wherein said initial search term comprises at least one word (col. 3, lines 45-61, Klein).

1. *Contact Information*

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Cindy Nguyen whose telephone number is 571-272-4025. The examiner can normally be reached on M-F: 8:00-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Safet Metjahic can be reached on 571-272-4023. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9306 for regular communications and 703-872-9306 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

FRANTZ COB\
PRIMARY EXAMINER

Cindy Nguyen

November 26, 2005